

Submitted by  
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12 States Have Bills to Nullify ObamaCare

Written by Larry Greenley

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As of January 30, at least one dozen states had introduced bills to nullify the entire ObamaCare law. The twelve states with their corresponding bill numbers are: Texas ([HB297](#)), Montana ([SB161](#)), New Hampshire ([HB26](#)), South Dakota ([HB1165](#)), North Dakota ([SB2309](#)), Wyoming ([HB0035](#)), Oregon ([SB498](#)), Indiana ([SB505](#)), Maine ([LD58](#)), Nebraska ([LB515](#)), Oklahoma ([HB1276](#)), and Idaho ([HB59](#)).

These 12 bills share the similarity of declaring the entire ObamaCare law — which is actually two laws, known officially as the "Patient Protection and Affordable Care Act" and the "Health Care and Education Reconciliation Act of 2010" — to be null and void within the respective states, since it presumes powers for the federal government not authorized by the Constitution of the United States. Nearly all of the bills contain provisions for criminal penalties for officials, officers, and agents of the federal and state governments who would try to enforce the ObamaCare law within the subject state. These enforcement "teeth" vary from one state bill to another. Under Montana's SB 161, "A violation of subsection (4) or (5) is a felony and is punishable by a fine of up to \$5,000, incarceration in a county jail for up to 1 year, or both." The Texas bill, HB297, carries similar penalties. New Hampshire, on the other hand, considers violations to be misdemeanors and doesn't specify either a fine amount or jail sentence.

With congressional repeal of ObamaCare possibly as much as a couple of years away, and state law suits and appeals likely to drag on for years, state nullification is the best strategy for immediately bogging down ObamaCare and preventing its implementation.

It is likely that before the end of 2011, nullification bills will have been introduced in 20 or more states.

If only one or two states pass their nullification bills, the federal government would likely steamroller them into submission. However, if 10 or 20 states enact ObamaCare nullification bills, it will open a whole new ball game, creating a situation similar to the multi-state refusal to implement the REAL ID Act. Although passed by Congress and signed by President Bush in 2005, the REAL ID national identification card law has not been enforced because 25 states have refused to go along with this federal usurpation of state authority. It's hard to predict the course of events for the ObamaCare nullification scenario, but there is little doubt that if a similar number of states as opposed REAL ID actually enact nullification bills it would be a healthy step toward restoration of federalism, as envisioned by our founders. With this type of action, the states would be asserting their "reserved" powers, as enunciated in the Tenth Amendment, and reclaiming their status as sovereign parties to the compact that created the federal government in the first place.

The "Nullify Now!" national speaker tour, organized by the Tenth Amendment Center and WeRefuse, is expected to boost passage in many of these states. *The New American* is a national sponsor of the tour, which features, among other speakers, historian Thomas E. Woods, bestselling author of *Nullification: How to Resist Federal Tyranny in the 21 Century*.

Photo: Idaho state capitol

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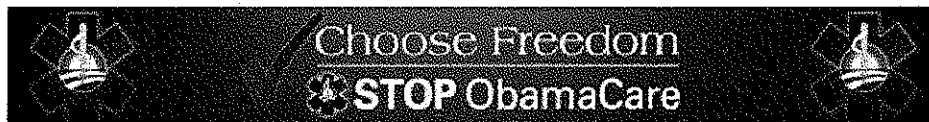
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By: Berman

H.B. No. 297

A BILL TO BE ENTITLED

AN ACT

relating to certain federal health care legislation; imposing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The legislature finds that:

(1) the people of the several states comprising the United States of America created the federal government as their agent for certain enumerated purposes, and nothing more;

(2) the Tenth Amendment to the United States Constitution defines the total scope of federal power as that which has been delegated by the people of the several states to the federal government, and all power not expressly delegated to the federal government in the United States Constitution is reserved to the states respectively, or to the people themselves; and

(3) the assumption of power by the federal government in enacting the Patient Protection and Affordable Care Act (H.R. 3590; Pub. L. No. 111-148) as amended by the Health Care and Education Reconciliation Act of 2010 (H.R. 4872; Pub. L. No. 111-152) interferes with the right of the people of this state to regulate health care as they determine is appropriate, and makes a mockery of James Madison's assurance in Federalist Paper Number 45 that the powers delegated to the federal government are "few and defined" while those that remain in the state governments are

1 fine of not more than \$5,000, or both the confinement and the fine.

2 (c) A person who is a public officer or employee of this  
3 state commits an offense if that person enforces or attempts to  
4 enforce an act, order, law, statute, rule, or regulation of the  
5 United States in violation of this chapter.

6 (d) An offense under Subsection (c) is a Class A misdemeanor  
7 punishable by confinement for a term of not more than two years, a  
8 fine of not more than \$1,000, or both the confinement and the fine.

9 Sec. 392.006. PRIVATE CAUSE OF ACTION. Any aggrieved party  
10 may bring a private cause of action against a person who enforces or  
11 attempts to enforce an act, order, law, statute, rule, or  
12 regulation of the United States in violation of this chapter.

13 SECTION 3. This Act takes effect immediately if it receives  
14 a vote of two-thirds of all the members elected to each house, as  
15 provided by Section 39, Article III, Texas Constitution. If this  
16 Act does not receive the vote necessary for immediate effect, this  
17 Act takes effect September 1, 2011.

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I have no doubt that the legislators sponsoring this bill have nothing but the best intentions at heart.

If our goal is to kill ObamaCare which I assume to be the case I would rather see us go the route of nullification. I've been told this is a crazy idea but how crazy is it when 15 states are in the process of nullifying ObamaCare at the moment. North Dakota actually has a bill passed and signed by their Governor.

Ohio passed it with a ballot initiative of the people.

If we all agree that ObamaCare is unconstitutional and I hope that we do, then we should be working to kill it outright, not leave it there or replace it like U.S. Rep. Joe Pitts, R-Pennsylvania wants to do. He said his party would be ready with its own bill after the U.S. Supreme Court makes a decision on the law.

We have a 9<sup>th</sup> and 10<sup>th</sup> amendment to our constitution. They are part of our bill of rights. They read:

#### Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

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#### Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Most of the following comes from an article entitled

*The Truth About the Health Care Compact:*

*A Conservative Assessment*

<http://alineofsight.com/policy/the-truth-about-the-health-care-compact-a-conservative-assessment>

This compact has many possible flaws I can see.

- 1) It's not patient centered. It's advocates say it's about "governance reform" not health care policy reform.
- 2) It will allow states to form their own single payer system, so in other words, RomneyCare. If you're for free market solutions to health care like all people in our Republic should be as that is why we have the best health Care in the history of the world, then you should not be for this compact.
- 3) The compact will not advance individual liberty. It just rolls government control over our health care choices from the Feds to the states. Nowhere in this compact is there greater patient control over their health care choices or their health care dollars.
- 4) The compact gives states the authority to "roll back" some conservative policies. The Hyde amendment which keeps federal tax dollars from paying for abortions. Also states will be able to ignore the Welfare Reform Act of 1996 which ensures illegal aliens cannot enroll in the regular Medicaid programs and become a burden to taxpayers. These two issues would be huge in Michigan as we have a large share of illegals and we have a constitution which does not allow for the funding of abortion.

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